

ORDINANCE NO. 2008

**AN ORDINANCE ADDING FIRE RESISTANT STANDARDS
BY AMENDING SECTIONS 78-135, 78-159 AND SECTION
78-230 TO CHAPTER 78 OF THE CODE OF ORDINANCES
IN ORDER TO PROMOTE THE USE OF BUILDING
MATERIALS THAT ARE FIRE-RESISTANT.**

WHEREAS, the Town of Hollywood Park, a general law Type A city, and its Town Council have the intent to protect the public health, safety and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the Town Council finds that residences within Hollywood Park are more susceptible to fires and the spread of fires because Hollywood Park is densely populated by trees and other natural foliage; and

WHEREAS, the Town Council finds that it is necessary to promote the use of fire-resistant building materials in light of concerns over fire safety and in order to safeguard the life, health, safety, welfare, and property of the residents of Hollywood Park.

I.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that § 78-135 is hereby added to Chapter 78, Article III. Division 2; § 78-159 is hereby added to Chapter 78, Article II, Division 3; and § 78-231 is hereby added to Chapter 78, Article III. Division 5 and shall read as follows:

Chapter 78 – Zoning

Article III. – Districts

Division 2. – District A Single-Family Residential District.

Section 78-135. – Fire-Resistant Materials.

- (a) *Purpose.* In light of local concerns that residences within Hollywood Park may be more fire prone because Hollywood Park is densely populated by trees and other natural foliage, at least seventy-five percent (75%) of materials used in the external construction and renovation of the exterior of residential and commercial structures must be fire resistant or as near to that percentage as possible.

(b) *Definition of Fire-Resistant Materials.* Construction materials are considered sufficiently “fire-resistant” when they conform to the following ratings as established by the International Code Council and National Fire Protection Association:

- (1) An hour rating of at least one (1) hour; and
- (2) A maximum temperature rating of at least six hundred (600) degrees.

(c) *Building permits.* The town’s building inspector retains overall authority to approve building permits. On the single issue of fire-resistant materials, the fire chief or deputy fire marshal retain discretion to review proposed construction plans and determine whether particular building materials to be used in an individual project pose a substantial risk of unreasonably promoting the spread of fire within the specific area of construction or remodeling. The fire chief or deputy fire marshal retain the ability to determine if building materials are sufficiently fire resistant for the given location. Such materials must comply with Subsection (b), the Fire Code, and the Building Code. The fire chief or deputy fire marshal shall then inform the building inspector of his/her decision.

(d) *Appeal; denial of building permit.* If the building inspector denies a building permit based solely or in part because of the decision of the fire chief or deputy fire marshal regarding building materials, the fire chief or deputy fire marshal shall provide written comments and any other information necessary to explain or justify his/her decision. Comments and other information provided by the fire chief or deputy fire marshal will be submitted to the appropriate appellate authority designated by the Town of Hollywood Park Code of Ordinances to hear appeals of decisions made by the building inspector.

(e) Any new construction or renovations performed after the effective date of this ordinance must conform to the requirements of Subsection (a).

(f) Building permits obtained prior to the effective date of this ordinance shall be honored according to the law in effect at the time they were issued.

Division 3. – District B General Business District.

Section 78-159. – Fire-Resistant Materials.

(a) *Purpose.* In light of local concerns that residences within Hollywood Park may be more fire prone because Hollywood Park is densely populated by trees and other natural foliage, at least seventy-five percent (75%) of materials used in the external construction and renovation of the exterior of residential and commercial structures must be fire resistant or as near to that percentage as possible.

(b) *Definition of Fire-Resistant Materials.* Construction materials are considered sufficiently “fire-resistant” when they conform to the following ratings as established by the International Code Council and National Fire Protection Association:

(3) An hour rating of at least one (1) hour; and

(4) A maximum temperature rating of at least six hundred (600) degrees.

(c) *Building permits.* The town’s building inspector retains overall authority to approve building permits. On the single issue of fire-resistant materials, the fire chief or deputy fire marshal retain discretion to review proposed construction plans and determine whether particular building materials to be used in an individual project pose a substantial risk of unreasonably promoting the spread of fire within the specific area of construction or remodeling. The fire chief or deputy fire marshal retain the ability to determine if building materials are sufficiently fire resistant for the given location. Such materials must comply with Subsection (b), the Fire Code, and the Building Code. The fire chief or deputy fire marshal shall then inform the building inspector of his/her decision.

(d) *Appeal; denial of building permit.* If the building inspector denies a building permit based solely or in part because of the decision of the fire chief or deputy fire marshal regarding building materials, the fire chief or deputy fire marshal shall provide written comments and any other information necessary to explain or justify his/her decision. Comments and other information provided by the fire chief or deputy fire marshal will be submitted to the appropriate appellate authority designated by the Town of Hollywood Park Code of Ordinances to hear appeals of decisions made by the building inspector.

(e) Any new construction or renovations performed after the effective date of this ordinance must conform to the requirements of Subsection (a).

(f) Building permits obtained prior to the effective date of this ordinance shall be honored according to the law in effect at the time they were issued.

Division 5. – District C Garden Home Residential District.

Section 78-230. – Fire-Resistant Materials.

(a) *Purpose.* In light of local concerns that residences within Hollywood Park may be more fire prone because Hollywood Park is densely populated by trees and other natural foliage, at least seventy-five percent (75%) of materials used in the external construction and renovation of the exterior of residential and commercial structures must be fire resistant or as near to that percentage as possible.

(b) *Definition of Fire-Resistant Materials.* Construction materials are considered sufficiently “fire-resistant” when they conform to the following ratings as established by the International Code Council and National Fire Protection Association:

(5) An hour rating of at least one (1) hour; and

(6) A maximum temperature rating of at least six hundred (600) degrees.

(c) *Building permits.* The town’s building inspector retains overall authority to approve building permits. On the single issue of fire-resistant materials, the fire chief or deputy fire marshal retain discretion to review proposed construction plans and determine whether particular building materials to be used in an individual project pose a substantial risk of unreasonably promoting the spread of fire within the specific area of construction or remodeling. The fire chief or deputy fire marshal retain the ability to determine if building materials are sufficiently fire resistant for the given location. Such materials must comply with Subsection (b), the Fire Code, and the Building Code. The fire chief or deputy fire marshal shall then inform the building inspector of his/her decision.

(d) *Appeal; denial of building permit.* If the building inspector denies a building permit based solely or in part because of the decision of the fire chief or deputy fire marshal regarding building materials, the fire chief or deputy fire marshal shall provide written comments and any other information necessary to explain or justify his/her decision. Comments and other information provided by the fire chief or deputy fire marshal will be submitted to the appropriate appellate authority designated by the Town of Hollywood Park Code of Ordinances to hear appeals of decisions made by the building inspector.

(e) Any new construction or renovations performed after the effective date of this ordinance must conform to the requirements of Subsection (a).

(f) Building permits obtained prior to the effective date of this ordinance shall be honored according to the law in effect at the time they were issued.

II.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III.

SEVERABILITY

It is hereby declared to be the intent of the Town Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council

without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

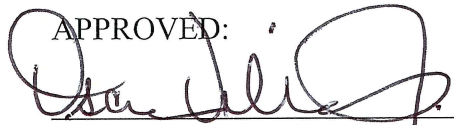
**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**V.
EFFECTIVE DATE**

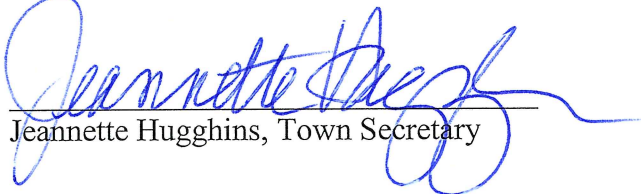
This ordinance shall be effective and shall supersede Section 14-51. Masonry Requirements of Chapter 14 of the Hollywood Park Code of Ordinances upon passage and publication as required by state and local law. By its own terms, this ordinance ceases to be effective as of October 31, 2021. This ordinance may remain in effect only by a majority vote of the Town Council after October 31, 2021, otherwise Section 14-51. Masonry Requirements of Chapter 14 of the Hollywood Park Code of Ordinances once again becomes effective.

Passed by the City Council of the Town of Hollywood Park this the 20 day of April 2021.

APPROVED:


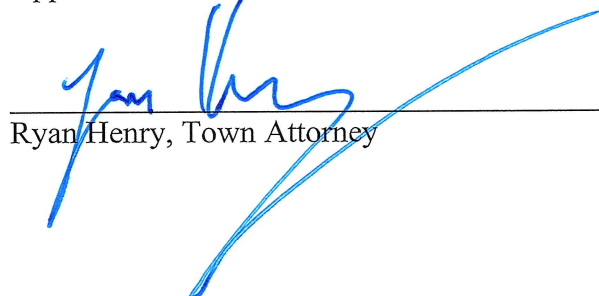
Oscar Villarreal, Jr., Mayor

Attest:



Jeannette Huggins, Town Secretary

Approved as to Form:



Ryan Henry, Town Attorney